

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

STACY STROBL and BRIAN HARDING, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

PAUL CROFT; JONATHAN FROST;
RHINO ONWARD INTERNATIONAL,
LLC; ROI FUND I, LLC; ROI FUND II,
LLC; ROI FUND III, LLC; ROI FUND
IV, LLC; BRIAN KAWAMURA; CROFT
& FROST, PLLC; THE WELL FUND
LLC; SCORPIO REF, LLC; MATTHEW
DIRA; THE DIRA GROUP; CHESTNUT
HOLDINGS, LLC; STEVEN FROST;
LISA FROST; JOSEPH
INVESTMENTS, LLC; JANE and
JOHN DOES 1-25,

Defendants.

Case No. 1:24-cv-00140

JURY DEMANDED

Judge: Curtis L Collier
Magistrate Judge: Christopher H
Steger

**RESPONSE TO SHOW CAUSE ORDER DE 54 AND
MOTION TO EXTEND TIME TO REQUEST ENTRY OF DEFAULT**

Plaintiffs Stacy Strobl and Brian Harding, on behalf of themselves and all others similarly situated (“Plaintiffs”), hereby respond to the Court’s Show Cause Order (DE# 54) requesting additional time to file a Request for Entry of Default.

1. On July 2, 2024, the Court entered an order requiring Jonathan Frost, ROI Fund I, LLC, ROI Fund II, LLC, ROI Fund III, LLC, ROI Fund IV, LLC, Croft and Frost, PLLC, Chestnut Holdings LLC, Rhino Onward International, LLC and Scorpio Ref, LLC (the “Defaulting Defendants”) to respond to the complaint or

"Plaintiffs shall move for entry of default pursuant to Rule 55(a) against any of the [Defaulting Defendants] who have not responded to the complaint.¹

2. None of the Defaulting Defendants have responded to the complaint and Plaintiffs, for reasons stated in the accompanying Memorandum of Law in Support, failed to move for entry of default.

3. On July 23, 2024, the Court entered a Show Cause Order requesting the Plaintiffs show cause why the Defaulting Defendants should not be dismissed under Rule 41(b).²

4. This response and related Motion, now seeks a motion to extend the time to file a Motion for Entry of Default and contains the information necessary to enter default under Rule 55(a) against the Defaulting Defendants.

5. Accordingly, for the reasons set forth in the accompanying Memorandum of Law in Support, the Plaintiffs respectfully request that the Court allow Plaintiffs to seek an entry of default under Rule 55(a) against the Defaulting Defendants.

¹ DE# 41.

² DE# 54.

Dated: July 26, 2024

Respectfully submitted,

By: /s/ Benjamin A. Gastel

Benjamin A. Gastel (BPR #28699)

Herzfeld, Suetholz, Gastel, Leniski

& Wall, PLLC

223 Rosa L. Parks Avenue, Suite 300

Nashville, TN 37203

Ph: (615) 800-6225

Fax: (615) 994-8625

ben@hsglawgroup.com

Alyson S. Beridon* (BPR #40040)

Herzfeld, Suetholz, Gastel, Leniski

& Wall, PLLC

600 Vine St., Ste 2720

Ph: (513) 381-2224

Fax: (615) 994-8625

alyson@hsglawgroup.com

Attorneys for Plaintiffs and Proposed Class

**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2024, I electronically filed the foregoing documents using the Court's CM/ECF system, and a copy of this filing will be sent electronically to the registered participants as identified on the Notice of Electronic Filing. The following counsel will receive service either by U.S. Mail, prepaid postage, and/or the Court's CM/ECF system at the email addresses listed below:

David M Eldridge
Eldridge & Cravens, P.C.
400 West Church Avenue
Suite 101
Knoxville, TN 37902
Email: deldridge@ecattorneys.law

Loretta G Cravens
Eldridge & Cravens, P.C.
P.O. Box 398
Knoxville, TN 37901
Email: lcravens@ecattorneys.law

Counsel for Brian Kawamura

J. Michael Holloway
Litchford, Pearce & Associates
P.O. Box 8127
Chattanooga, TN 37414
Email: michael@lpafirm.com

Counsel for The Well Fund LLC

Dale G Mullen
Eric H Feiler
Joseph E.H. Atkinson
Michael H Brady
Whiteford, Taylor & Preston LLP
1021 East Cary Street
Suite 1700
Richmond, VA 23219
Email: dmullen@whitefordlaw.com
Email: efeiler@whitefordlaw.com

Email: jatkinson@whitefordlaw.com
Email: mbrady@whitefordlaw.com

Kimberly Michelle Ingram-Hogan
Bradley Arant Boult Cummings Litigation
One 22 One
1221 Broadway
Suite 2400
Nashville, TN 37203
Email: kingram@bradley.com

Counsel for Matthew Dira and The Dira Group

Cara J Alday
Gary R Patrick
Lance W Pope
Patrick, Beard, Schulman & Jacoway
537 Market Street
Suite 300
Chattanooga, TN 37402
423-756-7117
Fax: 423-257-5032
Email: calday@pbsjlaw.com
Email: gpatrick@pbsjlaw.com
Email: lpopo@pbsjlaw.com

Counsel for Steven Frost, Lisa Frost, and Joseph Investments, LLC

Jonathan Frost
2457 Dogwood Grove Cir
Signal Mountain, TN 37377

ROI Fund I, LLC
c/o Jonathan Frost
1413 Chestnut St., Suite 401
Chattanooga, TN 37402

ROI Fund II, LLC
c/o Jonathan Frost
1413 Chestnut St., Suite 401
Chattanooga, TN 37402

ROI Fund III, LLC
c/o Jonathan Frost

1413 Chestnut St., Suite 401
Chattanooga, TN 37402

ROI Fund IV, LLC
c/o Jonathan Frost
1413 Chestnut St., Suite 401
Chattanooga, TN 37402

Croft & Frost, PLLC
c/o Jonathan Frost
1413 Chestnut St., Suite 401
Chattanooga, TN 37402

Chestnut Holdings, LLC
c/o Jonathan Frost
1413 Chestnut St., Suite 401
Chattanooga, TN 37402

Rhino Onward International, LLC
c/o Sandeep Basran
2543 N. Milwaukee Ave., 2nd Fl
Chicago, IL 60647

Scorpio Ref, LLC
c/o Sandeep Basran
2543 N. Milwaukee Ave., 2nd Fl
Chicago, IL 60647

/s/ Benjamin A. Gastel
Benjamin A. Gastel